



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

ELIZABETH SMITH, L.P.N.
License # NP 05708100

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about April 17, 2014, respondent was sent an inquiry on behalf of the Board, asking about allegations from The House of the Good Shepherd that her employment had been terminated following allegations that respondent had substituted a white tablet consisting of unknown medication for a tablet of Percocet in dispensing medication to a resident at the facility on two occasions. The Board's inquiry also

requested documentation of continuing education completed in satisfaction of the June 1, 2011-May 31, 2013 renewal period requirements.

3. The inquiry was sent to respondent's address of record by certified and regular mail. The certified mailing was returned, unclaimed. The regular mailing was not returned. No response has been received to date.

4. On her 2013 renewal application, respondent indicated that she would have completed all required continuing education for the 2011-2013 renewal application by May 31, 2013.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's inquiry of January April 17, 2014 constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

2. Respondent's failure to furnish documentation of continuing education is interpreted as a failure to timely complete continuing education requirements for the 2011-2013 renewal period, in violation of N.J.A.C. 13:37-5.3.

3. Respondent's indication on her 2013 renewal application that she would complete all required continuing education for the 2011-2013 renewal period by May 31, 2013 constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 9, 2014, provisionally suspending Respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on

the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

The record reflects that the certified mailing of the Provisional Order was signed for. The regular mailing of the order was not returned. No response has been received to date. The Board therefore determined that service had been effected, as the mailings had been sent to respondent's address of record with the Board. Respondent cannot evade process by a failure to respond. The Board further determined that as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 21st day of October, 2014,
ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended until respondent has fully responded to the Board's inquiry; and until respondent has provided proof of completion, in the form of certificates of completion, of 30 contact hours of nursing continuing education to be applied to the 2011-2013 renewal period. No petition for reinstatement shall be entertained until respondent has undergone evaluation and monitoring under the auspices of the Recovery and Monitoring Program

of New Jersey (RAMP), and until RAMP indicates that she is fit and competent to practice.

2. A reprimand is hereby imposed for respondent's violation of N.J.S.A. 45:1-21(b).

3. A \$500.00 civil penalty is hereby imposed for the violation of N.J.A.C. 13:45C-1.2, -1.3, as well as a \$250.00 civil penalty for the violation of N.J.A.C. 13:37-5.3, for a total penalty amount of \$750.00. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, which shall be due within 21 days following the filing of this order.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President